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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,462	12/29/2004	Maria Alarcon Lopez	P70332US0	2666
136	7590	10/20/2005		
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER MILLS, DANIEL J	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/519,462	LOPEZ, MARIA ALARCON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel J. Mills	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7-11 is/are rejected.
- 7) Claim(s) 6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 December 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because it is improper to include reference numerals, and "the device includes:" should be deleted. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," "the device includes," etc.

The disclosure is objected to because of the following informalities: "prismatic construction" page 2 line 19 is a non standard term which is not further defined by

applicant; "assembly" page 4 line 26 should be changed to be --assembled--; "screw" page 5 line 23 should be changed to be --spring--.

Appropriate correction is required.

***Drawings***

The drawings are objected to because improper crosshatching is used to identify 4A and 4B in Figures 2-4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 1 is objected to because of the following informalities: Claim 1 is more than one sentence long; paragraphs must be indented; "wingsn" line 4 should be changed to be --wings--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the furniture" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the heads" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "its wings" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "wings of the lid" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "prismatic" in claim 1 is used by the claim to mean "u-shaped", while the accepted meaning is "Of, relating to, resembling, or being a prism" The term is indefinite because the specification does not clearly redefine the term.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kruger (US 6,250,842).

Regarding claim 1, Kruger discloses a furniture assembly device, including: one u-shaped prismatic box (3) that includes holes (screw holes in 2) in its wings (joined parts of 2') and holes (longitudinally through its ends into the U-channel); one handle (5) fitted inside the box (3) that can be moved lengthways between an inoperative position and an operative position; this handle (5) includes: holes (8' and 32) which are capable to insert the heads of the pivots (9 and 30), mounting holes (8" and 31) that extend after the holes (8' and 32) which are capable to insert the pivots (9 and 30) while the handle (5) slides to its operative position, oval holes (8" and 31) which are capable to insert the setscrews (9 and 30) and lower wedges (the keyways at 8 and 32) which are capable to drive the heads of the pivots (9 and 30) as the handle (5) moves to its operative position, bringing the two parts of the piece of furniture (the base and the seat) to be assembled together and attaching them; means (13) to move the handle (5) on the inside of the box (3) and one lid (15) to close the box (3).

In addition it is clear that functional language is also met in that the holes (screw holes in 2) in the wings are capable to fit setscrews from the box to one of the parts of the furniture to be assembled and that the holes (longitudinally through its ends into the U-channel) are capable to insert the rear ends of pivots to the inside of the box, which are secured to the other part of the furniture (4b) to be attached.

Regarding claim 2, Kruger discloses a furniture assembly device, in which the holes in the wings are facing each other between both wings and are capable of making the box reversible.

Regarding claim 3, Kruger discloses a furniture assembly device in which the lid (15) has a U-shaped form (see space 14)

Further, the lid is capable of meeting the functional language in that the lid can act to close the box using the wings of the lid closing its ends and the center of the lid, closing the entire lengthways side of the box between the free ends of its wings (on the right side it fills the entire space, on the left side it fills in between the box and the handle)

Regarding claim 4, Kruger discloses a furniture assembly device including additional closing mean (6).

Further, the additional closing means is capable of securing the box in a stable manner to ensure the handle slides on the inside of the box without any kind of interference.

Regarding claim 5, Kruger discloses a furniture assembly device characterized by the fact that the additional closing (6) means included in the box consist of tabs finish one of the ends of both wings and an end piece (15) to close the existing opening between the wings (11) and the centre of the box close to the other end of the wings (11).

Regarding claim 9, Kruger discloses a furniture assembly device characterized by the fact that projecting wings (5') finish both sides of the upper surface of the handle (5) to guide its sliding movement along the inside of lengthways windows (the space between 6 and the lid) distributed on one side along the centre of the lid (one side is

toward the center downward projecting part of the lid) and on the other along the centre of the box (center of wall 2").

Regarding claim 11, Kruger discloses a furniture assembly device characterized by the fact that the box, with the handle and the lid, is secured to the part of the furniture using setscrews (to connect to a bench seat, column 3 line 6) that pass through the holes (2) facing each other on both wings of the box and the oval holes (secured to the floor by 12) in the handle.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruger (US 6,250,842) as set forth in claims 1-5, 9, 11 above, and, further in view of Lasmarigues (GB 1,176,175).

Regarding claim 7 and 10, Kruger discloses a furniture assembly device but fails to disclose that the means to move the handle on the inside of the box includes a threaded hole in one end of the handle so that the thread of a slide screw inserted from the outside through a circular hole made in one wing of the lid causes the handle to slide lengthways.

Lasmarigues teaches the use of long threaded hole (12) in the center of one end of the handle (10) so that the thread of a slide screw inserted from the outside through a circular hole made in one wing of the lid causes the handle to slide lengthways.

Lasmarigues teaches this is useful to provide a way to control the longitudinal movement of the handle. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the arrangement of Kruger to include the long threaded hole and slide screw as taught by Lasmarigues for the purpose of controlling the longitudinal movement of the handle.

Regarding claim 8, Kruger in view of Lasmarigues disclose a furniture assembly device characterized by the fact that it includes a return spring (13) mounted on the center of one end of the handle between the handle and the wing of the lid to force the handle to slide lengthways, Kruger fails to disclose the use of a threaded hole and screw in the center of one end of the handle.

Lasmarigues teaches the use of long threaded hole (12) in the center of one end of the handle (10) so that the thread of a slide screw inserted from the outside through a circular hole made in one wing of the lid causes the handle to slide lengthways.

Lasmarigues teaches this is useful to provide a way to control the longitudinal movement of the handle. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the arrangement of Kruger to include the long threaded hole and a slide screw as taught by Lasmarigues for the purpose of controlling the longitudinal movement of the handle. It would have been a

simple matter of engineering design choice to place the spring over the screw as both are positioned in the center of one end of the handle.

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose nor does it teach the use of a set screw positioned on the end wing of the lid opposite the end which is screwed to the handle.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Theodorou (US 5,758,988) is cited for pertaining to sliding structural connections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10/14/2005



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